

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 40TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: W. Anderson/ B. Graves Reporter/Tape: K. Garcia, D. Dedmon Bailiff: H. Franco, G. Ozburn, E. Cantu		Date: April 6, 2005 Department: 53 Time: 9:00 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA Defendant: Marcus Delon Wesson	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to adjournment of 4/5/05, Court reconvenes at 9:00 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Denise Dedmon, Court Reporter is present at 9:00 a.m.

Outside the presence of the jury, Rafael Torres, Deputy Public Defender brings up issues regarding additional jail visit reports being submitted by Lisa Gamoian, Chief Deputy District Attorney, and that defense attorneys have not had enough time to review or read, and request that the district attorney not discuss in testimony until the defense team has enough time to review. Lisa Gamoian, Chief Deputy District Attorney objects. Court instructs Lisa Gamioan, Chief Deputy District Attorney to not discuss in today's testimony the submitted (3) March visits and the (1) April visit.

The jury is brought into the courtroom at 9:05 a.m.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to 776 of the Evidence Code at 9:05 a.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

At 9:23 a.m., Court admonishes the jury and requests that the jury return to the juryroom. Outside the presence of the jury and witness Elizabeth Wesson, Rafael Torres, Deputy Public Defender, makes an objection of relevance with regards to the questioning by the district attorney on the newspaper articles. Court discusses and request the jurors be brought back into the courtroom.

Jury is brought back into the courtroom at 9:31 a.m.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to 776 of the Evidence Code at 9:31 a.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

Court admonishes the jury and breaks at 10:00 a.m. Court orders the witness to return at 10:15 a.m.

The jury is brought into the courtroom at 10:15 a.m. and the trial resumes.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued direct examination pursuant to 776 of the Evidence Code at 10:15 a.m. by Lisa Gamoian, Chief Deputy District Attorney. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

Elizabeth Wesson, having been previously sworn, is cross examined at 10:38 a.m., by Rafael Torres, Deputy Public Defender. Doug Foster, Barker and Associates, is present with Elizabeth Wesson.

Court admonishes the jury and recesses at 10:52 a.m. Outside the presence of the jury, Attorney Doug Foster, Barker and Associates, makes an objection regarding the areas of questioning Deputy Public Defender Rafael Torres is getting into with his client, Elizabeth Wesson.

Court allows time for Attorney Doug Foster to speak with Elizabeth Wesson.

Court breaks at 10:54 a.m.

Kristi Garcia, replaces Court Reporter, Denise Dedmon at 11:00 a.m.

Court reconvenes at 11:06 a.m. with all parties present, and outside the presence of the jury, Attorney Doug Foster, Barker and Associates advises the Court, that his client, Elizabeth Wesson will be asserting her attorney/client privileges. Rafael Torres, Deputy Public Defender states that he will withdraw the question. Court and counsel discuss needing to clarify with the jury, Court takes the issue under advisement.

The jury is brought into the courtroom at 11:10 a.m. and the trial resumes.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued cross examination at 11:10 a.m., by Rafael Torres, Deputy Public Defender. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

Rafael Torres, Deputy Public Defender advises the Court in the presence of the jury, that he will withdraw the previous question asked prior to the break.

Court admonishes the jury and recesses at 12:00 p.m. until 1:30 p.m. for the noon break. Court orders witness Elizabeth Wesson to return at 1:30 p.m.

Denise Dedmon, replaces Court Reporter, Kristi Garcia at 1:30 p.m.

Court reconvenes at 1:30 p.m. with all parties present and the jury in their seats.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued cross examination at 1:33 p.m., by Rafael Torres, Deputy Public Defender. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

DEFENSE EXHIBIT 'W W', (PHOTO OF A GROUP OF PEOPLE) IS MARKED FOR IDENTIFICATION.

Defense exhibit "W W" is shown to witness Elizabeth Wesson at 1:43 p.m.

Court admonishes the jury and recesses at 2:30 p.m. Court orders witness Elizabeth Wesson to return at 2:45 p.m.

The following exhibits were marked off the record;

DEFENSE EXHIBIT "XX", (BLACK BINDER CONTAINING 35 PAGES HANDWRITTEN LISTINGS OF TITLES) IS MARKED FOR IDENTIFICATION.

PEOPLE EXHIBIT #696, (CERTIFIED COPY OF "ORDER RE: PROSPECTIVE WITNESSES") IS MARKED FOR IDENTIFICATION.
PEOPLE EXHIBIT #697, (CERTIFIED COPY OF PETITION & ORDER FOR RETURN OF PROPERTY) IS MARKED FOR IDENTIFICATION.

Kristi Garcia, replaces Court Reporter, Denise Dedmon at 2:45 p.m.

Court reconvenes at 2:47 p.m. with all parties present and the jury in their seats.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued cross examination at 2:48 p.m., by Rafael Torres, Deputy Public Defender. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

COURT'S EXHIBIT #23, (COPY OF TRANSCRIPT OF 3/13/04 - INTERVIEW OF ELIZABETH WESSON) IS MARKED.

COURT'S EXHIBIT #24, (COPY OF TRANSCRIPT OF 3/22/04 - INTERVIEW OF ELIZABETH WESSON) IS MARKED.

Court admonishes the jury and breaks at 3:30 p.m. Outside the presence of the jury and witness Elizabeth Wesson, Lisa Gamoian, Chief Deputy District Attorney, makes an objection regarding the questioning asked by defense counsel, Rafael Torres, Deputy Public Defender, to witness Elizabeth Wesson.

Court and counsel discuss - Court sustains the objection regarding the last two questions.

Court stands in recess at 3:38 p.m.

Court reconvenes at 3:51 p.m. with all parties present and the jury in their seats.

Court advises the jury of the previous ruling made to the last two questions prior to the break has been changed, and is now sustained.

Elizabeth Wesson, having been previously sworn, resumes the witness stand on continued cross examination at 3:53 p.m., by Rafael Torres, Deputy Public Defender. Doug Foster, of the Office of Barker and Associates, is present with Elizabeth Wesson.

Court admonishes the jury and adjourns at 4:30 p.m. until 9:00 a.m. on 4/7/05. Witness Elizabeth Wesson is ordered to be present tomorrow at 9:00 a.m.

Off the record,

DEFENSE EXHIBIT YY, (ROSIE'S JOURNAL) IS MARKED FOR IDENTIFICATION.

The defendant remains in custody at the Fresno County Jail pending the next hearing date.

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